



**Joseph P. Riley, Jr.**  
Mayor

**Hernan E. Peña, Jr.**  
Director

*City of Charleston*  
South Carolina  
*Department of Traffic & Transportation*

**Traffic & Transportation Committee**  
**80 Broad Street, First Floor Conference Room**  
**Tuesday, January 27, 2015**  
**3:30 p.m.**

Chair, Councilmember William Moody, Jr.  
Vice-Chair, Councilmember Marvin Wagner  
Councilmember Michael Seekings  
Councilmember Kathleen Wilson  
Mayor Joseph P. Riley, Jr.

**AGENDA**

1. Invocation Councilmember Wilson
  
2. Approval of Minutes January 13, 2015
  
3. Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limousine Robert Somerville
  - Lucky Limo, LLC (Limo)
  - Lucky Cab, LLC (Taxi)
  
4. Amendment to municipal agreement for Harbor View Road improvements between Charleston County, SCDOT, and the City as part of the half-cent sales tax transportation program (Resolution) Hernan Peña
  
5. An ordinance to amend the Code of the City of Charleston, Chapter 31, to add thereto a new Article V relating to Transportation Network Companies Janie Borden
  
6. Discussion

AMENDMENT ONE TO THE HARBOR VIEW ROAD  
MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA

)

COUNTY OF CHARLESTON

)

RESOLUTION

)

Road/Route     Harbor View Road (S-1028)  
File             10.036994A  
Project         Harbor View Road (S-1028) Widening and Improvements from James Island  
                    Creek to Fort Johnson Road (S-94)  
PIN              36994 RD01

WHEREAS, the City of Charleston (“the City”) approved the Project Plans and consented to the construction of improvements to Harbor View Road in accordance with City Resolution 2013-08 dated July 16, 2013.

WHEREAS, the City now wishes to authorize a modification to the Project Plans to add a dedicated left turn lane on the westbound approach of Harbor View Road at Mikell Drive to the Project (“the Modified Project Plans”).

WHEREAS, the dedicated left turn lane on the westbound approach of Harbor View Road at Mikell Drive shall be designed in accordance with South Carolina Department of Transportation (SCDOT) and Federal Highway Administration (FHWA) standards.

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (1976, as amended), the City does hereby consent to the construction of improvements to Harbor View Road within its corporate limits in accordance with the Modified Project Plans, and further, the City does hereby approve said Modified Project Plans as provided for in Code §57-5-830.

BE IT FURTHER RESOLVED that all other terms and conditions of City Resolution 2013-08 remain in effect.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the original of this Resolution will be filed with the South Carolina Department of Transportation at Columbia and Charleston County in North Charleston.

Dated:

City of Charleston, South Carolina  
Municipality

ATTEST:

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

5



Ratification  
Number \_\_\_\_\_

# AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 31, TO ADD THERETO A NEW ARTICLE V RELATING TO TRANSPORTATION NETWORK COMPANIES.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

**Section 1.** The Code of the City of Charleston is hereby amended by adding to Chapter 31 a new Article V, entitled "Transportation Network Companies," which shall read as follows:

## "ARTICLE V TRANSPORTATION NETWORK COMPANIES

### Sec. 31-213. – Findings.

**WHEREAS**, staff from the Federal Trade Commission Office of Policy Planning, Bureau of Competition, and Bureau of Economics, recently commented that applications for arranging transportation using personal vehicles may expand transportation options, better satisfy consumer demand, increase competition, and promote a more economically efficient use of personal vehicles; and

**WHEREAS**, for the past several years, cities across the country have struggled with how to regulate companies like Lyft, Sidecar, and Uber, which provide an electronic platform for drivers and passengers to connect to provide rides, but do not meet the federal definition of ridesharing because compensation is exchanged; and

**WHEREAS**, many jurisdictions around the country have have defined Transportation Network Companies (TNCs) as companies that use online-enabled platforms to connect passengers with drivers using their personal, non-commercial vehicles; and

**WHEREAS**, several cities across the United States have adopted ordinances regulating businesses that use online-enabled platforms to connect passengers with drivers using their personal, non-commercial vehicles; and

**WHEREAS**, a variety of issues need to be addressed in order for TNCs to operate safely and equitably within City's transportation network, including but not

limited to insurance requirements, ADA accessibility, driver qualification and vehicle inspections.

**Sec. 31-214. - Definitions.** Whenever used in this chapter the following words and phrases shall mean:

Active on the TNC dispatch system includes but is not limited to: when the driver is logged onto the transportation network company (TNC) application dispatch system showing that the driver is available to pick up passengers; when a passenger is in the vehicle; or when the driver has accepted a ride request and is en route to provide transportation services to a passenger.

Compensation: Remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered. This includes, but is not limited to voluntary donations, fee-sharing between a taxicab or transportation network company and an affiliated driver, and passenger, advertisement of a taxicab service company or transportation network company services.

License: A transportation network company license.

Licensing Official: The City official and their designees assigned to supervise the licensing, regulating, and enforcement functions provided by this Code pursuant to chapter 31.

Licensee or transportation network licensee: The holder of, or a person that is required to hold, a transportation network company license issued pursuant to this chapter.

Operation of a transportation network vehicle or operating a transportation network vehicle: Offering, making available, or using a transportation network vehicle to provide a transportation network service, including any time when a driver is logged onto the transportation network provider's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the provider's records show that the vehicle is en route; or when the driver has accepted a ride request and is in route to provide a transportation network service to a passenger.

Passenger: An individual being transported for compensation in an authorized TNC vehicle.

Place of business in the City of Charleston: A location within the City of Charleston where (1) the city may send, and the licensee shall accept, notices of hearing or other notices from the city; and (2) a place where records required by this chapter may be viewed and copied.

Prearranged ride: means a period of time that begins when a driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the vehicle.

Prearranged internet-enabled transportation service: A transportation service that is offered and accepted through a licensee's internet-enabled application or digital platform before the transportation commences.

Rideshare: The traveling of two (2) or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, or bus pooling to any location incidental to another purpose of the vehicle operator for which compensation is neither accepted, collected, encouraged, promoted, or requested.

TNC: Transportation Network Company.

Trade dress: The unique visual element associated with a transportation network company that is attached to a vehicle affiliated with a TNC so the public and passengers can identify the vehicle as being associated with that particular TNC. Trade dresses are mandatory and must be approved by the licensing official.

Transportation Network Company (TNC): A person or entities affiliated with TNC drivers that provide transportation application services via one (1) unique transportation application system to connect TNC endorsed drivers with passengers for the transport of passengers for compensation and meeting the licensing requirements of section 31-215 and any other requirements under this chapter.

Transportation Network Company (TNC) endorsed driver: A for-hire driver affiliated with and accepting trips requested through a licensed transportation network company, while operating a personal vehicle he or she owns with a TNC vehicle endorsement. A TNC endorsed driver is someone who has been screened and approved by a licensed TNC and meets the requirements of this chapter. For the purposes of this Chapter the terms driver, TNC driver, and Transportation Network Company driver shall all mean a Transportation Network Company (TNC) endorsed driver.

Transportation Network Company (TNC) representative: The person or persons that a transportation network company has authorized to:

- (1) File applications, rates, and charges on behalf of the TNC;
- (2) Receive and accept all correspondence and notices from the city pertaining to the TNC, or to affiliated drivers operating within the TNC; and,
- (3) Forward any correspondence, notices and/or legal process received by the TNC and intended for an affiliated driver operating within the TNC.

Transportation Network Company (TNC) endorsed vehicle: a privately owned vehicle endorsed by the affiliated TNC and authorized to provide for hire services within their network. A TNC endorsed vehicle has received a TNC vehicle endorsement, as defined in this chapter.

Transportation Network Company (TNC) vehicle endorsement: means an endorsement for a personal vehicle that allows a TNC endorsed driver to use the endorsed vehicle to affiliate with a transportation network company to provide for hire transportation to passengers via a transportation application system. The TNC endorsement demonstrates that the vehicle has met the minimum operating requirements as set forth in this chapter.

Transportation Network Service: A prearranged transportation service offered or provided for compensation using an internet-enabled application or digital platform to connect potential passengers with transportation network drivers.

Wheelchair accessible transportation network vehicle: A transportation network vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A wheelchair accessible transportation network vehicle shall safely secure and restrain the wheelchair, and shall comply with all applicable standards provided by law for wheelchair accessible vehicles.

**Sec. 31-215. - Transportation Network Company license required:**

- (a) No person shall engage in a transportation network service in the city without a transportation network company license issued pursuant to this chapter.
- (b) No vehicle shall be used as a transportation network vehicle in the city except by an endorsed driver affiliated with a transportation network company licensed pursuant to this chapter. Said vehicle shall at all times be in compliance with this chapter when it is being used by a driver active on the TNC network.
- (c) A transportation network vehicle operated by a driver affiliated with a TNC not licensed by the City of Charleston may come into the city to discharge passengers whose trip originated outside of the City.

**Sec. 31-216. - Transportation Network Company License Fee and License Term:**

- (a) There shall be an annual fee of \$5.00 per TNC endorsed vehicle that has logged and signed onto the transportation network company's application dispatch system during the license year for the issuance or renewal of a transportation network company license. The license fee shall be estimated and paid before the license is issued and renewed and will be reconciled and paid or refunded at the end of each license year as a precondition to issuance or renewal of the license.

(b) Except for the initial license period, a transportation network provider license shall be issued or renewed for a one (1) year license term starting on January 1<sup>st</sup> of each year.

(c) A transportation network company license is non-transferable.

**Sec. 31-217. - Transportation Network Company License Application:** Application for the issuance or renewal of a transportation network company license shall be made in writing to the licensing official on a form provided by the licensing official and signed and sworn to by the applicant, or, if the applicant is a corporation, limited liability company, or partnership, by its authorized agent.

Each application, in addition to any other information that the licensing official may reasonably require in connection with issuance or renewal of a license, shall contain at a minimum:

(1) If the license applicant is an individual:

- a. The individual's full name, residence address, business address, business e-mail address, business telephone number, and business license number; and
- b. Proof that the applicant is at least eighteen (18) years of age.

(2) If the license applicant is a corporation:

- a. The corporate name, business address, and telephone number of the applicant;
- b. The date and state of incorporation;
- c. The full names, titles, and business addresses of its corporate officers;
- d. Proof that the corporation is in good standing under the laws of the State of South Carolina.

(3) If the license applicant is a partnership or limited liability company:

- a. The name, business address or principal office address and telephone number of the applicant;
- b. The full names, titles, and business addresses of the general partner(s) of a partnership or the managing member(s) or manager(s) of a limited liability company;
- c. the applicant's authorized agent;
- d. The full name, business address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and

- e. Proof that all persons, partners, managers, managing members and members, as applicable, are at least eighteen (18) years of age.

**Sec. 31-218. - Transportation Network Provider License, qualifications for license:**

- (a) In order to qualify for a transportation network company license, whether upon initial application or upon application for renewal of a license:
  - (1) An applicant shall be in compliance with all applicable city, State of South Carolina, and federal laws;
  - (2) Applicant has a City of Charleston business license;
  - (3) An applicant shall have a place of business within ten (10) miles of Charleston's City Hall where records required by this chapter may be viewed and copied;
  - (4) With respect to any corporate or limited liability company applicant, the company shall be organized, registered, or qualified to do business under the laws of the State of South Carolina;
  - (5) The applicant(s) shall be the true beneficial owner(s) of the TNC business to be licensed. The full legal names and addresses of all persons holding a twenty-five (25%) percent or greater beneficial interest in the business shall be provided on the application, and shall have no felony convictions in the past five (5) years, nor any gross misdemeanor or misdemeanor convictions involving the use of force, possession or sale of a controlled substance, prostitution, or indecent conduct;
  - (6) The applicant's ability to provide lawful, safe, suitable, and comfortable service and the applicant's ability to engage qualified transportation network company drivers and eligible transportation network company vehicles;
  - (7) The applicant's ability to maintain mandated insurance for the payment of personal injury, death, property damage, and other claims associated with the operation of a TNC; and
  - (8) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a transportation network company.



- (b) No applicant is eligible for a license if any transportation network provider license held by the applicant, or by any other or director of a corporate applicant or partner of a partnership applicant, has been revoked within the previous five (5) years, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five (5) years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony or its equivalent under federal or other jurisdictional law.

**Sec. 31-219. - Transportation Network provider license, investigation and issuance:**

Upon receipt of an application for the issuance or renewal of a transportation network company license, the licensing official and the police chief may investigate the application for compliance with all applicable provisions of this Code including but not limited to, the applicant's compliance with the license qualification requirements specified in this chapter.

**Sec. 31-220. - Transportation Network Company license, insurance required:**

- (a) Every licensee and transportation network driver shall comply with all applicable insurance requirements mandated by federal, State of South Carolina, and city laws;
- (b) A transportation network company shall file with the licensing official documentation evidencing that the transportation network company or the transportation network driver has secured primary liability insurance coverage for the driver for incidents involving the driver during a prearranged ride. Coverage for incidents involving a driver during a prearranged ride must be in the amount of at least one million (\$1,000,000.00) dollars per occurrence. The insurance policy must provide coverage at all times the driver is engaged in a prearranged ride;
- (c) A transportation network company shall file with the licensing official documentation evidencing that the transportation network company or the transportation network driver has secured insurance coverage of at least \$50,000 per person, at least \$100,000 per occurrence, and at least \$25,000 for property damage per occurrence for the period of time when a transportation network driver is logged into a transportation network company's digital network but is not engaged in a prearranged ride. The requirements for the coverage required by this paragraph shall be satisfied by any of the following:

- (1) insurance maintained by a participating driver;
  - (2) commercial insurance maintained by a transportation network company that provides coverage in the event a participating driver's insurance policy under subparagraph (1) has ceased to exist or has been cancelled, or the participating driver does not otherwise maintain insurance;
  - (3) any combination of subparagraphs (1) and (2);
- (d) An insurance policy required by this section shall be placed with an insurer duly licensed to provide insurance in the State of South Carolina or with a surplus lines insurer authorized under South Carolina law;
  - (e) Nothing in this section requires a personal automobile insurance policy to provide coverage for the period of time in which a driver is logged into a transportation network company's digital network;
  - (f) If more than one (1) insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility may only be modified by the written agreement of all of the insurers of the applicable policies and the owners of those policies;
  - (g) In a claims coverage investigation, a transportation network company shall cooperate with a liability insurer that also insures the driver's transportation network company vehicle, including the provision of relevant dates and times during which an incident occurred that involved the driver while the driver was logged into a transportation network company's digital vehicle;
  - (h) Nothing in this section modifies or abrogates any otherwise applicable insurance requirements set forth in the South Carolina Code of Laws.
  - (i) The existence of the insurance required by this section shall be disclosed on the website for the transportation network company's platform, and no contractual hold harmless, provisions, exceptions, or exemptions required in the company's terms of service shall be used to evade the insurance requirements of this ordinance;
  - (j) No transportation network provider license shall be issued unless the applicant first provides certified copies of the insurance policies required in this section to the license official;
  - (k) At the request of any authorized law enforcement officer or official Licensing Official, a TNC driver shall provide proof of the insurance policies required by this chapter.

**Sec. 31-221. - Transportation Network Vehicles ownership and standards:**

- (a) No licensee shall own, provide financing for the obtaining, leasing, or ownership of, or have a beneficial interest in transportation network vehicles unless approved by the licensing official;

(b) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:

- (1) Has a manufacturer's rated seating capacity of seven (7) persons or less, including the transportation network driver;
- (2) Has at least four (4) passenger compartment doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;
- (3) Is a sedan, or light-duty vehicle. Including a minivan, sport utility vehicle, pickup truck, hatchback or convertible. No buses, trolleys, Low Speed Vehicles, golf carts, peddled vehicles, tuk tucks, three wheeled vehicles, or themed vehicles shall be used as a TNC vehicle;
- (4) At the time of annual inspection, is not more than ten (10) model years of age from the current model year (as measured from June 30 of the calendar year following the model year), or has an odometer reading of less than one hundred fifty thousand (150,000) miles;
- (5) The licensee and the TNC driver may be jointly cited if the TNC driver uses a vehicle that does not meet the requirements for a transportation network vehicle.

**Sec. 31-222. - Transportation Network Vehicle Inspections:**

- (a) Prior to using any transportation network vehicle, and annually thereafter, a licensee or a transportation network driver shall have the vehicle inspected by an ASE-certified mechanic, and maintain complete documentation of such inspections in the vehicle at all times, and a written copy of such documentation shall be made available for review by the licensing official upon request. To pass such inspection, a transportation network vehicle shall, at a minimum, be rust-free and damage-free, and shall pass an inspection of vehicle components identified on an approved TNC vehicle inspection form submitted by the transportation network company.
- (b)
- (c) The licensee and the TNC driver shall be jointly and severally liable for any violation of this section if the licensee permits the TNC driver to use a vehicle in violation of this section.

**Sec. 31-223. - Transportation Network Vehicles, distinctive trade dress:** A transportation network company vehicle shall display, as approved by the licensing official, a consistent and distinctive signage or emblem at all times while the driver is active on the TNC dispatch system. The distinctive signage or emblem shall be sufficiently large and color contrasted:

- (1) As to be readable during daylight hours at a distance of at least fifty (50) feet; and
- (2) Reflective, illuminated or otherwise patently visible so as to be seen in darkness, and to identify that a particular vehicle is associated with a particular licensee.

Acceptable forms of distinctive signage include, but are not limited to, symbols, decals, or signs on vehicle doors, windows, roofs, or grilles. Magnetic or other removable distinctive signage is acceptable. Licensees shall file an illustration of their distinctive trade dress with the license official.

**Sec. 31-224. - Transportation Network Vehicles, commercial advertisements prohibited:**

No commercial advertisements, or lighting not installed by the original equipment manufacturer, shall be displayed on the exterior of any transportation network vehicle unless it is a component of the approved trade dress.

**Sec. 31-225. - Transportation Network Company Driver Requirements:**

- (a) No licensee shall engage any person as a transportation network driver unless the person:
  - (1) Possesses a valid South Carolina driver's license;
  - (2) Be a minimum of eighteen (18) years old;
  - (3) Be clean in dress and person;
  - (4) Shall have no felony convictions in the last five (5) years; shall have no non-traffic gross misdemeanor or misdemeanor convictions in the last three (3) years involving the use or threat of use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. Background checks must be completed using a National Association of Professional Background Screeners accredited agency.
  - (5) Shall have a driving record meeting the following standards:

- (a) No convictions in the last five (5) years for any of the following offenses involving injury or death; no convictions in the last three (3) years for any of the following offenses not involving injury or death:
  - (1) Hit and run; driving under the influence of an alcoholic beverage or drug; reckless or careless driving;
- (b) For original endorsement: No more than four (4) moving violations within the last three (3) years, and no more than two (2) moving violations in the last year;
- (c) For annual endorsement renewal: No more than four (4) moving violations within the last three (3) years and no more than two (2) moving violations in the last year;
- (6) Every new TNC driver applicant shall have at least one (1) year's driving experience as a licensed driver, meeting the standards of this subsection. Such prior driving experience shall be verified by the TNC prior to endorsement as a TNC driver;
- (7) Has certified to the transportation network company that they have knowledge of the geography and street system of the City of Charleston and surrounding areas, as well as the location of major attractions within those areas.
- (8) Has certified to the transportation network company that they have reviewed and understand the provisions of this chapter relating to the conduct of TNC endorsed drivers.
- (9) Has certified to the transportation network company that they do not have a documented or known physical or mental disability that would prevent the TNC driver from safely operating a TNC vehicle and performing the normal duties of an endorsed TNC driver.
- (10) Has not had a taxicab or commercial driver's license suspended, revoked or non-renewed by a city or state within the five (5) years immediately preceding their application to be a TNC driver;
- (b) All licensees shall perform a criminal history check on each transportation network driver applicant before endorsing such applicant. All licensees shall also obtain and review each transportation network driver applicant's driving

record in all states where the applicant driver has held a driver's license in the past five (5) years, before endorsing such driver;

- (c) One (1) year after the initial date of endorsement of a driver, and annually thereafter, each licensee shall verify that the driver is still eligible to be a transportation network company driver by verifying that the driver meets all of the requirements specified in this section, including the driving and criminal background check requirements, and shall keep records of such verification for a period of three (3) years and shall allow such records to be reviewed by law enforcement personnel and the licensing official upon request.
- (d) If a licensee allows an ineligible driver access to its digital platform or network, or fails to annually ascertain the eligibility of each driver such licensee allow access, the licensee shall be liable for the violation of this section and shall also be jointly responsible with the ineligible driver for any violation of this chapter by the ineligible driver.
- (e) Licensees shall on a bi-annual basis and when requested, provide the City with an updated list of its TNC endorsed drivers.

**Sec. 31-226. - Transportation Network Driver, intoxicating substance policy:**

A TNC shall implement a zero-tolerance policy on the use of drugs or alcohol by drivers who are driving passengers obtained through the use of a TNC application or platform and shall advertise this policy on the website for the TNC's application or platform. Procedures for filing a complaint about a TNC driver suspected of using drugs or alcohol while driving and an explanation warning of deactivation for drivers found in violation of the policy must also be advertised on the TNC's website. The website and TNC application or platform shall also include a phone number, mobile application contact function, or email address to report a zero-tolerance complaint.

**Sec. 31-227. - Driver Identification Card:**

The licensee shall issue an identification card to drivers that such licensee engages. Such identification card shall have the first name of the driver and a photograph attached to the identification card. Any transportation network driver shall wear the identification card at all times while operating a transportation network vehicle and are active on the TNC dispatch system, or this card may be electronically displayed to the passengers mobile device during a TNC ride.

**Sec. 31-228. - Operating Regulations:**

- (a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:
- (1) Who is under the age of eighteen (18) years to operate a transportation network vehicle;
  - (2) To operate a transportation network vehicle without first obtaining a City of Charleston Business License.
  - (3) To operate a transportation network vehicle without a TNC vehicle sticker issued by the City of Charleston Business License Official for that vehicle.
  - (4) To operate a transportation network vehicle while under the influence of alcoholic beverages or controlled substances, other than medication prescribed by a physician, provided that such prescribed medication does not warn that the user not operate machinery while taking the medication;
  - (5) To operate, or cause to be operated, a transportation vehicle in any area where the operation of such vehicle is prohibited by an applicable law;
  - (6) To operate a transportation network vehicle within the city while not in possession of a valid driver's license issued by the State of South Carolina;
  - (7) To operate, or cause to be operated, a transportation network vehicle that does not meet the requirements of this chapter;
  - (8) To transport or cause to be transported more than seven (7) passengers on any given ride in a vehicle.
- (b) No driver shall pick up or discharge a passenger at:
- (1) Designated taxicab stands, no stopping or standing zones, or other restricted areas.
- (c) No person may possess an open beverage alcohol container while such person is operating or being transported by a transportation network company vehicle, nor may any person transport, carry, possess, or have any alcoholic beverage while being transported by a transportation network company vehicle, except in the original package with the seal unbroken;

- (d) No licensee or driver shall solicit potential passengers. Transportation network company vehicles may only be used to provide prearranged transportation service. For purposes of this subsection, the term "solicit" means an appeal by words or gestures for immediate patronage of a transportation network vehicle by a licensee or a transportation network driver upon the public way attempting to direct people to a transportation network vehicle that is parked, stopped, standing, or moving upon the public way;
- (e) No driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements;
- (f) No transportation network company vehicle shall be unlawfully parked on any public way for a time longer than is reasonably necessary to accept passengers in answer to a prearranged transportation service and no passenger shall be accepted except as provided in subsection (d) of this section;
- (g) The internet-enabled application or digital platform used by a licensee to connect drivers and passengers shall display for a passenger:
- (1) the identification card of the transportation network driver;
  - (2) a picture of the transportation network vehicle the driver is approved to use, including the license plate number of the vehicle; and
- (h) All licensees shall clearly disclose, on the licensee's online enabled application, digital platform, or website, that the licensee is a transportation network provider. Additionally, the disclosure shall state that each licensee is required to maintain insurance policies as specified in section 31-219 of this chapter;
- (i) All licensees shall provide proof of insurance documents required in section 31-219 to each transportation network driver before the TNC driver begins providing service and for as long as the TNC driver remains available to provide service;
- (j) The transportation network company shall conduct outreach events and/or advertise to individuals and community organizations with ADA-compliant vehicles to publicize the TNC's need for ADA vehicles and drivers with the goal of providing services to all passengers;



- (k) All licensees shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, transportation network drivers, or other person that reports to, or acts as an agent of, the licensee, for any failure to respond to a request for service from an orderly passenger;
- (l) All transportation network drivers shall at all times carry in the TNC vehicle proof of the insurance policies required in section 31-219;
- (m) Any terms or conditions in an agreement between a licensee and a customer, that would act as a waiver of the licensee's liability to the customer, or to the public, are declared to be contrary to public policy, null, void and unenforceable;
- (n) TNC drivers shall not:
  - (1) Provide false information to or refuse to obey or to comply with any lawful order or direction of the licensing official or any police officer, or traffic-control officer, nor shall any licensee or TNC driver use profane language or otherwise interfere with such officials while in the performance of their duties;
  - (2) Take a circuitous route to a destination, or any route other than the most direct route;
  - (3) Tour or drive by tourist attractions unless the tourist attraction is on the most direct route to the drop of point;
  - (4) Drop a passenger at a location other than the location requested unless prohibited by law;
  - (5) Refuse to convey an orderly passenger;
- (o) No TNC licensee or TNC driver shall disable, eliminate, or otherwise prevent access to the TNC mobile application by the licensing official or designees of the licensing official for purposes of enforcing this chapter; and
- (p) No TNC licensee or TNC driver shall notify another licensee or other TNC drivers that a potential customer is or may be a licensing official or designee,

or in any way otherwise interfere with or obstruct enforcement of this Code by the licensing official.

**Sec. 31-229. - Service charges and fare rates:**

Compensation for service may be charged based on distance travelled and/or time elapsed during service, or a flat prearranged fare. If the rates vary from the normally posted rate on the website and in the application, the TNC application must require that the passenger positively acknowledge on the application device used to summons the TNC driver that they agree to the rate structure being charged for the trip requested. Upon completion of a prearranged ride, a TNC shall transmit to the rider an electronic receipt, either by electronic mail or via text message. The message shall document the point of origin and destination of the ride, the total distance and duration of the ride, the total fare paid including the base fare and any additional charges, and the driver's first name and customer service contact.

**Sec. 31-230. - Records and Reports:**

- (a) Every licensee shall keep accurate books and records of account of the licensee's operations at the licensee's place of business in the city for a minimum of three (3) years. Such records shall be submitted for inspection upon the request of the licensing official;

**Sec. 31-231. - License Suspension or Revocation:**

- (a) The licensing official may seek all applicable penalties, including but not limited to fines, license conditions, license suspension, denial, and license revocation in addition to restitution or other equitable relief against any licensee that violates this chapter or any rules or regulations adopted pursuant to this chapter. Before any condition, suspension, revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against them and of their right to a hearing; An appeal of a hearing shall be taken in accordance with section 31-127.
- (b) Any person whose transportation network company license is revoked or denied under this chapter shall be ineligible to receive another transportation network company license under the same or a different name for a period of five (5) years following revocation or denial;
- (c) In addition to the powers authorized in this section, the city council may suspend, revoke or non-renew a TNC license in accordance with other applicable section of the City of Charleston Code of Ordinances, South Carolina Statutes, or Federal laws and rules.

**Sec. 31-232. - Violations and Penalties:**

- (a) Any licensee or TNC driver who violates this chapter or any rule or regulation promulgated hereunder shall be subject to penalties outlined in section 1-16 of the Code. Each day that any violation shall continue shall be deemed a separate and distinct offense.

**Sec. 31-233. - Enforcement, Rules and Regulations:**

- (a) Upon request, a driver shall display to law enforcement personnel or the licensing official, or other person authorized to enforce this chapter, a physical or electronic record of a ride in progress sufficient to establish that it was a prearranged transportation service. To the extent that trip records are contained on electronic devices, drivers are not required to relinquish custody of the devices in order to make the required display;
- (b) If a passenger files a complaint against a licensee or driver with the city, in addition to all other powers and remedies provided under this Code, the licensing official or authorized staff shall have the right to inspect the licensee's records as necessary to investigate and resolve the complaint to the same extent the licensing official and law enforcement personnel are permitted to inspect all other public passenger vehicles;
- (b) The licensing official is authorized to enforce this chapter, and to adopt rules and regulations for the proper administration and enforcement of this chapter;
- (c) Any fees imposed pursuant to rules authorized by this chapter shall be reasonably related to the city's cost of administration and enforcement, and shall be effective upon approval of the licensee fee schedule.

**Section 2.** This Ordinance shall become effective \_\_\_\_\_.

Ratified in City Council this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2015, in the 239<sup>th</sup> Year of Independence of the United States of America.

By:

\_\_\_\_\_  
Joseph P. Riley, Jr.  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner-Maybank  
Clerk of Council